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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

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1997/7. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the socio-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Calls once again upon all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses and reaffirms the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges once again the working group on the implementation and promotion of the right to development to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. Decides to examine this question, on a priority basis, at its fifty-fourth session under the same agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 37 votes to 8, with 7 abstentions. See chap. V.]

1997/8. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food,

Recalling also the Universal Declaration on the Eradication of Hunger and Malnutrition,

Taking into account the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Considering the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit held in Rome from 13 to 17 November 1996,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political and economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity as well as the necessity of refraining from unilateral measures, not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

1. Reaffirms that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international level for its elimination;

2. Also reaffirms the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. Considers intolerable that over 800 million people throughout the world, and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights;

4. Stresses the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources, from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. Encourages the Committee on Economic, Social and Cultural Rights to pay further attention in its activities to those rights recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights;

6. Endorses the request made in the World Food Summit Plan of Action to the High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, as well as non-governmental organizations, to better define the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights, and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all;

7. Invites the High Commissioner for Human Rights to report on the implementation of this resolution at its fifty-fourth session.

36th meeting
3 April 1997

[Adopted without a vote. See chap. V.]

1997/9. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993, 1995/81 of 8 March 1995 and 1996/14 of 11 April 1996,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing Conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

Having examined the progress report submitted by the Special Rapporteur (E/CN.4/1997/19),

1. Takes note of the progress report of the Special Rapporteur and in particular her conclusions and recommendations, and regrets that she encountered serious obstacles in the discharge of her mandate, in particular the lack of adequate human and financial resources;

2. Notes with grave concern that adequate staff and financial resources were not made available to the Special Rapporteur to enable her to discharge her mandate effectively, including undertaking in situ missions;

3. Categorically condemns the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of every individual;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

8. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the

transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

9. Requests the Special Rapporteur, in preparing her next report, to continue to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies, specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to continue to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

10. Also requests the Special Rapporteur to continue to undertake, within her mandate, a global, multi-disciplinary and comprehensive study of existing problems of and solutions to illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on countries and enterprises, including transnational corporations, engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries,

12. Requests the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

13. Encourages the Special Rapporteur, with adequate support and assistance from the Centre for Human Rights, to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report;

14. Reaffirms its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary financial and human resources, including administrative support in the Centre for Human Rights, for the fulfilment of her mandate;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fourth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

36th meeting
3 April 1997
[Adopted by a roll-call vote of 32 votes to 12, with 8 abstentions. See chap. V.]

1997/10. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

Reaffirming the Declaration on the Right to Development, approved by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, and that despite the improvement in some indicators, the foreign debt burden continues to be intolerable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development, and living standards in many developing countries, with serious effects of a social nature,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Noting with regret the negative effects of the structural adjustment and reform policies conceived and imposed by the international financial organizations and bilateral creditors on the debtor countries to deal with the effects of the foreign debt, on the enjoyment and realization of economic, social and cultural rights, especially among the most vulnerable and low-income groups,

Stressing that the economic globalization process creates new risks and uncertainties,

Expressing its concern at the continuing decline in levels of official development assistance,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and highly-indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the report submitted by the Secretary-General in accordance with its resolution 1996/12 of 11 April 1996;

2. Stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market access, stabilization of exchange rates and interest rates, access to financial and capital markets, adequate flows of financial resources and better access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries, and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of the debtor countries to food, housing, clothing, employment, education, health service and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for the recent initiatives on the foreign debt, in particular the debt initiative for the highly-indebted countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of these initiatives;

7. Emphasizes the need for new flows of financial resources to the indebted developing countries, and urges the creditor countries and the international financial institutions to increase financial assistance on favourable terms as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Requests the working group on the implementation and promotion of the right to development to continue to pay special attention in its work to the social repercussions of the foreign debt and, in particular, to the repercussions of the policies adopted to face the effects of foreign debt on the realization of economic, social and cultural rights, and to make recommendations in this regard;

9. Recognizes that there is a need for more transparency in the activities of international financial institutions;

10. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

11. Requests the Secretary-General to submit to the Commission, at its fifty-fourth session, after high-level consultations with Governments, international financial institutions and specialized agencies, and with intergovernmental organizations, a report on the international debt strategy

containing an analysis of the effects of this phenomenon on the effective enjoyment of human rights of the people of the developing countries, and in particular of the most vulnerable and low-income groups;

12. Requests the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, and especially the social impact of the measures arising from the foreign debt;

13. Requests that, taking advantage of the current restructuring of the Centre for Human Rights, a unit should be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries;

14. Decides to continue to consider this matter at its fifty-fourth session in connection with the corresponding agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 34 votes to 15, with 3 abstentions. See chap. V.]

1997/11. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Noting the provisions of the Convention on the Rights of the Child, which recognizes that there are in all countries in the world children living in especially difficult conditions and that special attention should be paid to such children,

Welcoming the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion and its other relevant resolutions, in particular resolution 1996/10 of 11 April 1996, as well as Sub-Commission resolution 1996/23 of 29 August 1996,

Recalling also General Assembly resolutions 50/107 of 20 December 1995 and 51/97 of 12 December 1996,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, Governments committed themselves to eradicating poverty throughout the world through national action and international cooperation, taking account of the fact that this is an ethical, social, political and economic imperative of humankind,

Welcoming the activities undertaken for the International Year for the Eradication of Poverty,

Noting that the majority of persons living in poverty are women, children or the elderly and that women bear a disproportionate burden,

Noting also with interest the microcredit Summit held in Washington (D.C.) in February 1997, which focused on the importance of encouraging national initiatives for social development including, inter alia, access to credit for people living in poverty, particularly women, through employment and income-generation to address the feminization of poverty,

Having examined the final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) presented at the forty-eighth session of the Sub-Commission by the Special Rapporteur, Mr. Leandro Despouy,

1. Reaffirms that:

(a) extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23), it is essential for States to foster participation by the poorest people in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty;

2. Recalls that:

(a) to ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(b) in the Copenhagen Declaration, Governments also undertook to endeavour to ensure that all men and women, especially those living in poverty, may exercise the rights, utilize the resources and share the responsibilities that will enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind as well as the provisions of the Beijing Declaration and Platform for Action adopted by the fourth World Conference on Women;

3. Expresses its satisfaction to the Special Rapporteur for his final report on human rights and extreme poverty, prepared on the basis of consultations with persons living in extreme poverty and the persons and NGOs engaged in the field among very poor persons, families and population groups throughout the world;

4. Calls upon:

(a) the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to consider the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States, the organs of the United Nations and intergovernmental and non-governmental organizations, in conformity with the Vienna and Copenhagen Declarations and Programmes of Action, to continue to take into account, in the activities to be undertaken within the framework of the United Nations

Decade for the Eradication of Poverty, the links between extreme poverty and human rights, as well as the efforts of the poorest themselves to combat poverty and the importance of associating them with all stages of these activities;

5. Invites the treaty bodies monitoring the application of human rights instruments, notably the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

6. Requests the Secretary-General:

(a) to take the necessary measures to ensure that the final report of the Special Rapporteur on human rights and extreme poverty is published as a United Nations publication in all the official languages and that it receives the widest possible distribution, particularly within the framework of activities of the United Nations Decade for the Eradication of Poverty and the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(b) to place the report at the disposal of non-governmental organizations which desire to reproduce it in languages accessible to the greatest number of persons living in extreme poverty;

(c) to convey the final report of the Special Rapporteur to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme, the United Nations Children's Fund and the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated;

7. Requests the United Nations High Commissioner for Human Rights to:

(a) Give high priority to the question of human rights and extreme poverty within United Nations human rights bodies;

(b) Ensure, within the framework of his role as coordinator of activities related to the promotion and defence of human rights within the United Nations system as a whole, better cooperation between institutions or

bodies involved in the development of policies and strategies for protecting human rights and combating poverty, in association with the poorest and persons working with them;

(c) Invite Governments, specialized agencies and intergovernmental organizations to take account of the contradictions between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(d) Collaborate closely with all the organizations concerned, particularly with the NGOs as well as those working alongside the poorest;

(e) Regularly inform the General Assembly of the evolution of the question of human rights and extreme poverty, notably the steps taken to coordinate activities in this field, consultations undertaken with Governments and governmental and non-governmental organizations, obstacles encountered and progress achieved in promoting the full enjoyment of human rights among persons living in extreme poverty, as well as the most innovative activities implemented to this end;

(f) Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;

(g) Submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the General Assembly devoted to conclusions of the World Summit on Social Development, scheduled for 2000, and the evaluation, at the half-way point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(h) Continue his discussions with the World Bank and report on the creation of microcredit programmes at the fifty-fourth session of the Commission;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/... of ... March/April 1997, and Sub-Commission on

Prevention of Discrimination and Protection of Minorities resolution 1996/23, of 29 August 1996, entitled 'Human rights and extreme poverty', approves the requests made to the Secretary-General:

(a) to publish the final report on human rights and extreme poverty in all the United Nations working languages;

(b) to convey the Special Rapporteur's final report to the General Assembly, to the Commission for Social Development, to the Commission on Sustainable Development, to the Trade and Development Board of the United Nations Conference on Trade and Development, to the Executive Boards of the United Nations Development Programme and the United Nations Children's Fund and to the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated;

9. Decides to consider this question at its fifty-fourth session under the same agenda item."

36th meeting
3 April 1997
[Adopted without a vote. See chap. V.]

1997/12. Question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1996, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling further the report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/1996/19), which states that there has been a considerable shift towards the abolition of the death penalty,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are authorized to impose,

Welcoming the observation of the Human Rights Committee, in its general comment 6 of 27 July 1982 on article 6 of the International Covenant on Civil and Political Rights, that the provisions contained in that article refer to abolition of the death penalty in terms which strongly suggest that abolition is desirable, and its affirmation that all measures of abolition should be considered as progress in the enjoyment of the right to life,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

Convinced that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

1. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Urges all States that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence;

3. Calls upon all States that still maintain the death penalty to observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

4. Calls upon all States that have not yet abolished the death penalty progressively to restrict the number of offences for which the death penalty may be imposed;

5. Also calls upon all States that have not yet abolished the death penalty to consider suspending executions, with a view to completely abolishing the death penalty;

6. Requests the Secretary-General to submit to the Commission on Human Rights, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing the protection of the rights of those facing the death penalty;

7. Calls upon States that still retain the death penalty to make available to the public information with regard to the imposition of the death penalty;

8. Decides to continue consideration of the matter at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997
[Adopted by a roll-call vote of 27 votes to 11, with 14 abstentions. See chap. XIV.]

1997/13. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Taking note of resolution 1996/12 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning, inter alia, women migrant workers,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Determines to prevent and eliminate all forms of violence against women and girls;

2. Encourages States to enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

3. Also encourages States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

4. Invites the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

5. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as necessary, linguistically and culturally accessible services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. Expresses its appreciation to the Government of the Philippines for hosting the United Nations Expert Group Meeting on Violence Against Women Migrant Workers in Manila from 27 to 31 May 1996;

9. Invites the regional commissions and the regional offices of the International Labour Organization to examine ways and means, within their mandates, of dealing with concerns pertaining to women migrant workers;

10. Requests the Secretary-General to submit a comprehensive report to the Commission on Human Rights at its fifty-fourth session on the implementation of the present resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies;

11. Decides to continue to consider the question at its fifty-fourth session under the relevant agenda item.

37th meeting
3 April 1997

[Adopted without a vote. See chap. XI.]

1997/14. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia, through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1997/65), and welcomes the fact that some Member States have recently acceded to the Convention;

4. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

7. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. Decides to include in the provisional agenda of the fifty-fourth session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

37th meeting
3 April 1997

[Adopted without a vote. See chap. XI.]

1997/15. Migrants and human rights

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Affirming that every State Party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming that every State Party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including as to national origin,

Deeply concerned at the increasing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, customs and culture,

Considering that there is a need to make further efforts to improve the situation and ensure the human rights and dignity of migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights, and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants;

4. Requests the working group of intergovernmental experts to submit a report to the Commission on Human Rights at its fifty-fourth session under the appropriate agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/16. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences, and that persons belonging to minorities; are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Recalling its resolution 1995/24 of 3 March 1995, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Taking note of resolution 1996/17 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requesting, inter alia, the Working Group to continue to hold one session annually,

Taking note also of the invitation by the Sub-Commission to the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1997/82), as well as of the reports of the Working Group on Minorities on its first and second sessions (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28);

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments, as well as between and among minorities, including through programmes of human rights education and public information, are central to the protection and promotion of the rights of persons belonging to minorities;

6. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the United Nations High Commissioner for Human Rights to continue his efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues in activities related to the promotion and protection of the rights of persons belonging to minorities;

8. Calls upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Calls upon States to continue to include in their reports to human rights treaty bodies, in accordance with the relevant conventions, information on measures taken for the promotion and protection of the rights of persons belonging to minorities, and to consider ways to facilitate contributions from national or ethnic, religious and linguistic minorities in the preparation of national reports;

10. Calls upon all special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

11. Commends the role of the Working Group on Minorities of the Sub-Commission as an important forum for the promotion of the rights of persons belonging to minorities;

12. Expresses its expectation that the Working Group will further implement its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants and that it will also take note of the Commission's deliberations on this item;

13. Calls upon States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Invites the Working Group to submit, through the Sub-Commission, a comprehensive report on its work to the Commission at its fifty-fourth session for the consideration of, inter alia, the extension of its mandate;

15. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution;

16. Decides to continue consideration of this issue at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997

[Adopted without a vote. See chap. XVII.]

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Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

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1997/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling its resolution 1996/11 of 11 April 1996 and reaffirming the Vienna Declaration and Programme of Action, which stated the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Taking note of the work carried out by the Committee on Economic, Social and Cultural Rights, the working group on structural adjustment programmes and economic, social and cultural rights, and other relevant intergovernmental and non-governmental organizations, in particular the structural adjustment participatory review initiative of the World Bank,

1. Welcomes:

(a) The adoption by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul from 3 to 14 June 1996, of the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), in particular the recognition of the right to adequate housing as an important component of the right to an adequate standard of living, the definition of the role of the private sector and civil society, and the reaffirmation of the commitment to the full and progressive realization of the right to adequate housing as provided for in international instruments;

(b) The adoption by the World Food Summit, held in Rome from 13 to 17 November 1996, of the Rome Declaration on World Food Security and theWorld Food Summit Plan of Action, in particular the reaffirmation of the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger;

2. Notes with interest:

(a) The report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex);

(b) The proposals adopted by the Committee on Economic, Social and Cultural Rights at its fifteenth session to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, namely the proposal for the adoption of a plan of action for the Committee that would increase its ability to examine national reports and to assist interested Governments in their reporting duties and the proposal to recommend to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(c) The recommendations adopted by the working group on structural adjustment programmes and economic, social and cultural rights;

3. Reaffirms:

(a) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(d) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

4. Calls upon all States:

(a) To secure, through national development policies and international cooperation, full respect for economic, social and cultural rights, giving priority to the individuals, most often women, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(b) To promote the effective and wide participation of representatives of civil society in the decision-making processes related to the promotion and protection of economic, social and cultural rights;

(c) To consider the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific national benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner as recommended in the statement of the human rights treaty bodies adopted during the World Conference on Human Rights;

(b) To promote the participation of representatives of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

6. Decides:

(a) To request the High Commissioner for Human Rights and the relevant human rights mechanisms and treaty bodies to give, within their mandates, greater attention to the protection of economic, social and cultural rights;

(b) To request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(i) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general and

(ii) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex);

(c) To request the High Commissioner for Human Rights to give appropriate consideration to the proposed plan of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up on the examination of those reports.

56th meeting
11 April 1997
[Adopted without a vote. See chap. V.]

1997/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also, General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Takes note of the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91 and Add.1);

2. Expresses grave concern at and condemns all forms of intolerance and of discrimination based on religion or belief;

3. Urges States:

(a) To ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;

(d) To recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) To exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(g) To promote and encourage through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

4. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

5. Encourages the continued efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

6. Stresses the need for the Special Rapporteur to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

7. Calls upon all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

8. Welcomes the work of Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

9. Recognizes that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration;

10. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

11. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

13. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

56th meeting
11 April 1997
[Adopted without a vote. See chap. XIX.]

1997/19. Traffic in women and girls

The Commission on Human Rights,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling

That the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993, affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights,

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and taking note of the comments contained in the report of the Secretary-General,

All previous resolutions on the problem of the traffic in women and girls,

Affirming the provisions of the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelters for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girls from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that trafficking also victimizes young boys,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girls from this nefarious traffic,

1. Notes with appreciation the report of the Secretary-General on the traffic in women and girls (A/51/309);

2. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996;

3. Calls upon Governments of countries of origin, transit and destination, and regional and international organizations, as appropriate, to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care and taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

4. Invites Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms;

5. Also invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;

6. Encourages, in this regard, relevant United Nations bodies and organizations, including the United Nations International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Organization for Migration, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their manuals, in cooperation with all relevant intergovernmental and non-governmental organizations, including those concerned with traumatic stress, taking into account existing research material or studies on the subject;

7. Notes with appreciation the reports of the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the sale of children, child prostitution and child pornography, particular with respect to the traffic in persons, and encourages them to continue to address this problem among their priority concerns;

8. Encourages the Centre for Human Rights to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

9. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of the traffic in women and girls under its Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (see E/CN.4/Sub.2/1995/28/Add.1);

10. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of these programmes;

11. Welcomes the decision of the Economic and Social Council to devote its coordination segment of 1997 to mainstreaming a gender perspective;

12. Requests the Secretary-General to provide the Commission, at its fifty-fourth session, with his report to the General Assembly at its fifty-second session on the implementation of General Assembly resolution 51/66;

13. Decides to continue its consideration of the question at its fifty-fourth session under the relevant agenda item.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/20. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling its previous resolutions on the subject, especially resolution 1996/61 of 23 April 1996, and taking note of the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the subject, including resolutions 1996/12 of 23 August 1996 and 1996/18 of 29 August 1996,

Bearing in mind that the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights provide, inter alia, that no one shall be held in slavery or servitude,

1. Welcomes the work of the Working Group on Contemporary Forms of Slavery and takes note of its recommendations;

2. Expresses its grave concern at manifestations of contemporary forms of slavery, inter alia those reported to the Working Group;

3. Requests the Secretary-General to invite those eligible States that have not yet ratified or acceded to the conventions on slavery to consider doing so as soon as possible;

4. Calls upon States:

(a) To consider taking appropriate action for the protection of groups of persons particularly vulnerable to slavery and slavery-like practices, such as children and women, including migrant women;

(b) To consider adopting legal and administrative measures for the protection, rehabilitation and reintegration of victims of contemporary forms of slavery;

(c) That have not yet done so to consider ratifying the pertinent international instruments, including the Forced Labour Convention, 1930 (No. 29) and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization;

5. Requests the Secretary-General:

(a) To continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include, in an updated report, an analysis of this question, to be submitted to the Commission at its fifty-fifth session in order to enable the Commission to decide whether continued attention to this question is required;

(b) To transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

(c) To designate the Office of the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery;

6. Decides to resume consideration of this question at its fifty-fifth session.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/21. Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Conscious of the desirability of continuing to study the principles of humanity governing the behaviour of all persons, groups and public authorities,

Emphasizing, in this regard, the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual,

Recalling its resolution 1996/26 of 19 April 1996 and welcoming the report of the International Workshop on Minimum Humanitarian Standards organized in Cape Town, South Africa from 27 to 29 September 1996 (E/CN.4/1997/77/Add.1, annex), by the Governments of Denmark, Finland, Iceland, Norway, Sweden and South Africa, in cooperation with the International Committee of the Red Cross, to address the issue of minimum humanitarian standards applicable in all situations,

1. Recognizes the desirability of identifying principles applicable to all situations in a manner consistent with international law, including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Invites all States to consider reviewing their national legislation relevant to situations of public emergency with a view to ensuring that it meets the requirements of the rule of law and that it does not involve discrimination on the grounds of race, colour, sex, language, religion or social origin;

4. Requests the Secretary-General, in coordination with the International Committee of the Red Cross and within existing resources, to submit to the Commission at its fifty-fourth session an analytical report on the issue of fundamental standards of humanity, taking into consideration in particular the issues raised in the report of the International Workshop on Minimum Humanitarian Standards held in Cape Town, South Africa from 27 to 29 September 1996, and identifying, inter alia, common rules of human rights law and international humanitarian law that are applicable in all circumstances;

5. Also requests the Secretary-General, in preparing his study, to seek the views of and information from Governments, United Nations bodies, in particular the Office of the United Nations High Commissioner for Refugees, the human rights treaty bodies and intergovernmental organizations, as well as regional organizations and non-governmental organizations.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/22. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Reaffirming its resolution 1996/25 of 19 April 1996,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the expert members of the Sub-Commission,

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41 and E/CN.4/1997/79),

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Expresses its appreciation of the steps undertaken by the Sub-Commission to reform and improve its methods of work, in particular the rationalization of its draft provisional agenda for its forty-ninth session, the initiation of a study on how to revise its work schedule for improved consultation among members (decision 1996/112), the decision to limit the initiation of new studies (decision 1996/113), the compilation of the existing rules of procedure and procedural questions to be resolved (decision 1996/114) and the decision to avoid duplication with the work of the Commission on Human

Rights by not taking action during its forty-ninth session on human rights situations under consideration in the public procedures of the Commission (decision 1996/115);

3. Requests the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency and avoiding duplication with the Commission and its mechanisms, taking into account the views of Member States, and, in this context, calls upon the Sub-Commission:

(a) To focus on its primary role as an advisory body of the Commission on Human Rights;

(b) To refrain henceforth from duplicating action by the Commission on Human Rights with regard to country situations under consideration in the public procedures of the Commission and, furthermore, limitation to exceptional cases in which new and particularly grave circumstances arise;

(c) To give particular attention to the process of selection of studies and, when choosing subjects for study, to take into account recommendations of the Commission on Human Rights and the treaty bodies, explaining the choice made so as to enable the Commission adequately to assess the need for a specific study;

(d) To improve further the independence and the impartiality of the Sub-Commission, in particular in discussions concerning the situation in a specific country;

(e) To facilitate efficient and effective participation of non-governmental organizations;

(f) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(g) Further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including the human rights treaty bodies and relevant United Nations research institutions;

(h) To focus strictly on questions relating to human rights in accordance with its mandate;

4. Calls upon the Sub-Commission to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

5. Reaffirms that members of the Sub-Commission should discharge their functions in their personal capacity and calls upon States to nominate as members and alternates independent experts of recognized competence in the field of human rights, as well as to respect fully the independence of elected members and alternates;

6. Requests States nominating candidates for the Sub-Commission to submit nominations sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

7. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all the official United Nations languages in good time before the session;

8. Also requests the Secretary-General, in responding to requests from the Sub-Commission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission on Human Rights;

9. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

10. Requests the Chairman of the Sub-Commission at its forty-ninth session to report to the Commission at its fifty-fourth session on significant aspects of the work of the Sub-Commission.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/23. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular, Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95 thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Centre for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

Taking note of the report (E/CN.4/1997/32) submitted by the Special Rapporteur on the implementation of his mandate,

1. Takes note of the report submitted by the Special Rapporteur on the activities relating to his mandate;

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Centre for Human Rights;

5. Invites the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Decides to extend the mandate of the Special Rapporteur for a further period of three years, requests him to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session, and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

10. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/23 of 11 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the independence of judges and lawyers and its request to the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session.

56th meeting
11 April 1997

[Adopted without a vote. See chap. VIII.]

1997/24. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

Recalling also the subsequent resolutions on the subject, in particular resolution 1996/22 of 23 July 1996 of the Economic and Social Council in which the Council authorized the working group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (E/CN.4/1997/33 and Add.1), and warmly welcomes the progress made during the working group's fifth session;

2. Requests the open-ended working group to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue its work, with a view to completing expeditiously a final and substantive text, and to report on its work to the Commission at that session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and to intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meeting prior to the fifty-fourth session of the Commission;

6. Decides to examine the report of the working group at its fifty-fourth session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" in the context of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1997/24 of 11 April 1997,

"1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-fourth

session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

"2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1997/33 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."

56th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/25. United Nations staff

The Commission on Human Rights,

Recalling its resolution 1996/29 of 19 April 1996,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts and, in this context, welcoming the statement by the President of the Security Council of 12 March 1997 (S/PRST/1997/13) on "Security of United Nations operations",

Noting that since its adoption the Convention on the Safety of United Nations and Associated Personnel has been signed by only 43 Member States and ratified by 10,

1. Takes note of the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1997/25);

2. Draws attention to the relevant principles on protection found in the Convention on the Privileges and Immunities of the United Nations, in the Convention on the Privileges and Immunities of the Specialized Agencies and in the Convention on the Safety of United Nations and Associated Personnel;

3. Calls upon all States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

4. Calls upon States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate access to them;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

(g) To ensure that the perpetrators of unlawful acts against United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

5. Decides to request the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of the United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and

immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47;

(c) To seek the inclusion of the applicable principles referred to in paragraph 2 of the present resolution in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel;

(d) To submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled, and on the implementation of the measures referred to in the present resolution;

(e) To commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental.

56th meeting
11 April 1997

[Adopted without a vote. See chap. VIII.]